

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Revision Petition No. 107/2026

Beena Gogwal W/o Shankar Shambhu Gogwal (Biarwa), R/o Alisom Mohalla Zinsi Shankarpura Choraha, Tonk, Tehsil And District Tonk, Rajasthan.

-----defendant/Petitioner

Versus

1. Ram Avtar S/o Kajod, R/o Near Ghantaghar Karigar Ki Gali, Mehndi Bagh, Tehsil And District Tonk Rajasthan.
2. Chitra Singodia W/o Rajesh Singodia, R/o 394 Subhash Bazar Sindolia School Mehndi Bagh Tonk Tehsil And District Tonk Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Pradeep Kumar Malakar
Mr. Ajay Singh
Mr. Naman Sirvi
Mr. Pradeep Kakari

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

13/03/2026

1. The present revision petition has been filed by the defendant/petitioner assailing the order dated 18.02.2025 passed by the learned District Judge, Tonk, in Civil Suit CIS No. 96/2025 whereby the application filed by the petitioner/defendant no. 2 under Order 7 Rule 11 has been partly rejected.

2. Brief facts giving rise to the present revision petition are that the plaintiff/respondent filed a suit for cancellation of the sale deeds, while stating that the alleged sale deeds have been executed by playing fraud upon the plaintiff/respondent. Therefore, the plaintiff/respondent sought relief for declaration in respect of the sale deeds dated 05.02.2019 and 08.08.2025.

3. After service in the suit, the petitioner/defendant no. 2 filed an application dated 03.12.2025 under Order 7 Rule 11 of CPC on the ground that the suit has been filed on deficient court fees and without disclosing valid cause of action.

4. The said application was contested by the plaintiff/respondent wherein it was stated that the suit has been filed while narrating valid cause of action. It was further stated that because the suit property is an agriculture land, the requisite court fees in terms of Section 7(2) (a) of Rajasthan Court Fees and Suits Valuation Act 1961, was duly paid. Accordingly, prayer for rejection of the application was made.

5. After hearing arguments of the parties, the learned Trial Court, vide its impugned order dated 18.12.2025, partly allowed the application under Order 7 Rule 11 and held that the suit was filed while disclosing cause of action, but at the same time it was held that since the original sale deed dated 05.02.2019 was executed by the plaintiff/respondent for a consideration of Rs. 5 lakhs, the plaintiff/respondent was directed to pay the deficient court fees.

6. Being aggrieved by the said order, the petitioner filed the present revision petition.

7. Learned counsel for the defendant/petitioner submits that the learned Court below erred in rejecting the application as well as in not appreciating the fact that the suit was filed on deficient court fees and without disclosing any cause of action qua the present petitioner.

8. Heard and considered the submissions made by the learned counsel for the petitioner and also perused the material on record.

9. From the perusal of the record, more particularly para no. 6 and 7 of the plaint, it is evident that the present suit for cancellation of sale deeds dated 05.02.2019 and 08.08.2025 has been filed while narrating that the aforesaid sale deeds were executed while playing fraud upon the plaintiff/respondent, thus, a cause of action was clearly mentioned in the plaint.

10. It is trite law that, while considering an application under Order 7 Rule 11 of CPC, only the averments of the plaint are required to be examined, and from a bare perusal of the plaint, it is abundantly clear that the plaint discloses a cause of action and from the statements made therein, the present suit cannot be termed to be filed without disclosing a cause of action or barred by law. Thus, the arguments raised by the learned Counsel for the petitioner does not fall within the four corners of the grounds enumerated under Order 7 Rule 11 of CPC.

11. In view of the above, this Court is of the considered opinion that the impugned order dated 18.12.2025 passed by the learned Court below does not suffer from any jurisdictional error, perversity, or any legal infirmity so as to warrant any interference by this Court under the jurisdiction conferred by Section 115 of the Code of Civil Procedure, 1908.

12. Accordingly, the present Civil Revision Petition fails and is hereby dismissed.

13. The stay application and all other pending applications, if any, also stand disposed of.

(MANEESH SHARMA),J